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2019 FEB 13 AM 11:32 **AGENDA REPORT**

TO: Sabrina B. Landreth
City Administrator

FROM: Darin White
Fire Chief

SUBJECT: Quarterly Report on Public Safety
Overtime for Oakland Fire Department
FY 2018-19

DATE: January 29, 2019

City Administrator
Approval

Date

2/13/19

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Quarterly Report on Public Safety Overtime for Oakland Fire Department: FY 2018-19.

EXECUTIVE SUMMARY

This informational report provides data on overtime policy, use, and accountability in OFD and for Fiscal Year (FY) 2018-19, year to date.

BACKGROUND AND LEGISLATIVE HISTORY

On October 24, 2017, staff presented a report titled "Fiscal Year (FY) 2016-17 Fourth Quarter Revenue and Expenditure Results and Year-End Summaries for the General Purpose Fund (GPF, 1010) and Eight Selected Funds; and General Purpose Fund (GPF, 1010) Carryforward for FY 2017-18; and Overtime Analysis for the General Purpose Fund (GPF, 1010) and All Funds" to the Finance and Management Committee. In response, the Finance and Management Committee requested a supplemental report with the following additional information:

- What are the policies, procedures, and processes in place in each Department for Authorizing and Controlling Overtime?
- If backfill overtime is authorized, who is responsible, for what purposes is it authorized, and which personnel are used to cover for others?
- Who is in charge of decision making and accountability for overtime? What rank/level?

The Finance and Management Committee requested that each department articulate how the department will control overtime expenditures with real actionable changes to policies, procedures, and processes, and corresponding accountability mechanisms.

On January 9, 2018, staff presented the first supplemental report to the Finance and Management Committee as well as the Public Safety Committee. Members of both committees stated that they were unable to locate the information they were seeking in the report. One of

Item: _____
Finance Committee
February 19, 2019

the concerns expressed by committee members was that it was difficult to distinguish information concerning OPD from information concerning OFD. In response, OPD and OFD each drafted standalone comprehensive overtime reports that were responsive to the initial questions posed by Finance and Management Committee members on October 24, 2017 as well as the concerns expressed by Finance and Management Committee members and Public Safety Committee members on January 9, 2018.

On February 27, 2018, staff presented the second supplemental report to the Finance and Management Committee and the Public Safety Committees. In response, the Public Safety Committee requested a monthly report from both OPD and OFD, with the following additional information from OPD:

- The different categories in the overtime budget including actual amounts.
- A breakdown of the areas where overtime is budgeted.
- An explanation of who approves overtime expenditures.
- What amount is approved for each commander (such as area captains) and how this amount is tracked to ensure that it is not overspent.
- An explanation of the service level demands that have resulted in an insufficient overtime budget including a justification for critical work that has resulted in an appreciable decrease in crime.
- An explanation of why reimbursable events are included in the list of Special Event/ Enforcement overtime and what the tracking mechanisms concerning reimbursement.
- Specific Negotiated Settlement Agreement (NSA) requirements and actual overtime costs created by each.
- Overtime reduction strategies and tracking to ensure reduction.

On April 24, 2018, staff presented a monthly overtime report to the Public Safety Committee. In response, the Public Safety Committee requested information concerning the effectiveness of OPD's overtime reduction strategies as well as clarification concerning OPD Special Events and Special Enforcement as well as reimbursable overtime. Staff received no comments or questions on the report, pertaining to overtime usage.

On June 26, 2018, staff presented additional information to the Public Safety Committee on overtime and efforts to reduce overtime within OPD and OFD. Again, no questions or comments were submitted to OFD staff.

ANALYSIS AND POLICY ALTERNATIVES

An analysis of OFD's overtime usage is provided in **Attachment A**.

Item: _____
Finance Committee
February 19, 2019

FISCAL IMPACT

This item is for informational purposes only and does not have a direct fiscal impact or cost.

PUBLIC OUTREACH / INTEREST

This item does not require additional public outreach, other than posting on the City's website.

COORDINATION

This is an informational report from the Oakland Fire Department.

SUSTAINABLE OPPORTUNITIES

Economic: There are no economic opportunities associated with this item.

Environmental: There are no environmental opportunities associated with this item.

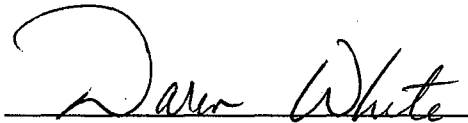
Social Equity: There are no social equity opportunities associated with this item.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive a report from the Oakland Fire Department (OFD) that includes additional information on overtime policies, procedures, and controls.

For questions regarding this report, please contact Darin White, Fire Chief at (510) 238-4052.

Respectfully submitted,

A handwritten signature in black ink that reads "Darin White". The signature is written in a cursive style and is positioned above a horizontal line.

Darin White
Fire Chief

Quarterly Report on Public Safety Overtime for Oakland Fire Department: FY 2018-19

JANUARY 29, 2019

Table of Contents

EXECUTIVE SUMMARY	2
BACKGROUND / LEGISLATIVE HISTORY	2
ANALYSIS AND POLICY ALTERNATIVES.....	2
Departmental Overview	2
Fire Suppression Minimum Staffing.....	3
Efforts to Reduce Overtime Usage in Sworn Ranks.....	3
Management of Overtime Usage.....	5
Overall Fire Department Overtime Usage	8
CONCLUSION.....	9

EXECUTIVE SUMMARY

The purpose of this report is to summarize the causes and efforts to reduce overtime use in the Oakland Fire Department (OFD). This report will also demonstrate that the main contributing factor to overtime is the City's compliance with the International Association of Fire Fighters (IAFF), Local 55 memorandum of understanding (MOU) which contains a minimum staffing provision which is in effect through June 30, 2027.

BACKGROUND / LEGISLATIVE HISTORY

At its February 27, 2018 meeting, the Public Safety Committee requested that OFD and Oakland Police Department (OPD) provide a monthly report on overtime use in their respective departments. While OPD was asked to provide specific information regarding their use of overtime, there were no specific questions directed to OFD.

OFD also prepared a report for the April 24, 2018 Public Safety Committee. Staff received no comments on the report, or questions pertaining to overtime usage.

ANALYSIS AND POLICY ALTERNATIVES

Departmental Overview

OFD operates twenty-five (25) fire stations located throughout the city, twenty-four (24) hours per day, seven (7) days per week. OFD is responsible for fire and medical dispatch, fire prevention, fire suppression, mitigation, emergency medical response, specialized rescue operations, fire investigation, emergency management, and fire code inspection within the city.

OFD is authorized five hundred and eight (508) full time equivalent sworn personnel and ninety-four and nine hundredths (94.09) civilian personnel, for a total of six hundred and two and nine thousandths (602.09) full time equivalents.

OFD sworn members operate using a "chain of command" or "rank" system. **Table 1** shows the department's sworn rank organizational structure by job classification:

Table 1. Sworn Ranks

Rank
Fire Chief
Deputy Chief of Fire Department
Battalion Chief
Assistant Fire Marshal (Sworn)
Captain of Fire Department
Lieutenant of Fire Department
Fire Investigator
Engineer of Fire Department
Firefighter Paramedic
Firefighter

There are eleven (11) 40-Hour staff positions; and there are four hundred and ninety-seven (497) 24-Hour shift positions totaling five hundred and eight (508) authorized sworn members. Operationally, OFD fire suppression shift staff is organized into three (3) shifts referred to as A, B and C Shift. Members operate on a 24/48 schedule whereby members work one (1) shift (24-Hours) followed by two (2) days off.

Fire Suppression Minimum Staffing

The Memorandum of Understanding (MOU) with IAFF (International Association of Fire Fighters, Local 55, guides working conditions of the represented OFD sworn personnel. Also, OFD operates under an MOU with the Port of Oakland which guides the Aircraft Rescue Fire Fighting (ARFF) Services provided at the Oakland International Airport.

Section 4.2.4 of the MOU between the City and Local 55 identified through the year 2027 daily minimum staffing levels for "Fire Suppression Staffing" of OFD sworn members. The MOU minimum staffing sets a daily number of sworn staff, broken out by specific ranks, which must be in the field at any given time. The total suppression staffing equates to one hundred and thirty-seven (137) sworn members per shift and four hundred and eleven (411) members to cover all three (3) shifts. This staffing level includes the ARFF staffing requirements of a minimum of six (6) sworn personnel (one (1) Officer and five (5) Firefighters).

Table 2 shows the minimum fire suppression staffing by rank required based upon these two (2) MOUs.

- Three (3) Truck companies with a minimum of one (1) Captain and (3) three Firefighters;
- One (1) Truck company with a minimum of one (1) Captain, one (1) Firefighter Paramedic and two Firefighters;
- Two (2) Truck companies with a minimum of one (1) Captain and four (4) Firefighters;
- One (1) Truck company staffed with a minimum of one (1) Captain, one (1) Firefighter Paramedic and three (3) Firefighters; and
- One (1) Fire Investigator.

The positions shown in **Table 2** are the *minimum* number of sworn positions per shift. However, achieving this daily staffing level is hampered by the following:

- Vacancies;
- "40-Hour" Staff Assignments;
- Training;
- Vacation;
- Injuries;
- Deployments; and
- Other time off.

Efforts to Reduce Overtime Usage in Sworn Ranks

Due to the MOU fire suppression minimum staffing provision for sworn members, OFD has two primary areas of focus on reducing overtime use: 1) filling vacancies and 2) analysis and

training required to reduce the number of preventable injuries in all ranks. **Table 3** shows by rank sworn funded positions that are vacant as of December 31, 2018:

Table 3. Fire Suppression Sworn Vacancies by Rank

Rank	Authorized	Filled	Vacant
Battalion Chief	9	9	0
Captain of Fire Department	45	41	4
Captain of Fire Department - Airport	4	2	2
Lieutenant of Fire Department	72	55	17
Engineer of Fire Department	84	75	9
Fire Investigator	3	2	1
Firefighter Paramedic	93	85	8
Firefighter - Suppression	168	158	10
Firefighter - Airport	19	7	12
Total Filled / Vacant	497	434	63

*Excludes twelve (12) 40-Hour Sworn Staff Assignments (1 Fire Chief, 2 Deputy Chief, 1 Assistant Chief, 3 Battalion Chief, 1 Assistant Fire Marshal, 3 Captain, 1 Engineer)

A small academy, Academy 1-2018, commenced on January 22, 2018 with one (1) Firefighter Paramedic Trainee and five (5) Firefighter Trainees. Four (4) Trainees graduated from the Academy on May 11, 2018. These recruits have been included in the **Table 3** above.

In August of 2018, the Department promoted two (2) Battalion Chiefs to the rank of Deputy Chief of Fire. Three (3) members were promoted from Captain to the rank of Battalion Chief, and thirteen (13) members were promoted to the rank of Lieutenant of Fire. The Department is conducting additional screenings to determine candidate placement into a Recruit Academy planned for Winter/Spring 2019.

OFD recently learned that it had been awarded a \$4.2 million-dollar Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA). SAFER Grants are intended to assist fire departments to increase and/or maintain the number of Firefighters in their community and to comply with National Fire Protection Association (NFPA) *Standard 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations and Special Operations to the Public by Career Fire Departments*.

Table 4 shows by classification funded civilian vacancies as of August 31, 2018 that have no confirmed start date:

Table 4. Civilian Vacancies by Classification

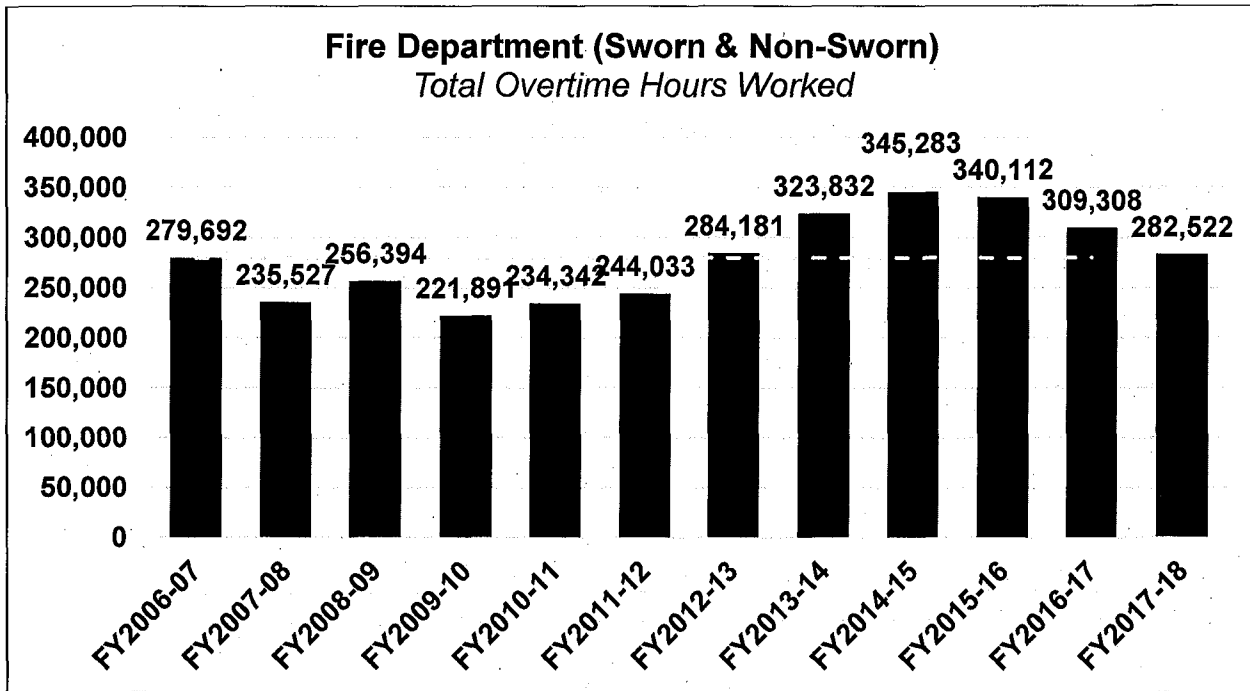
Classification	Vacant
Assistant to the Director	1.0
Emergency Planning Coordinator, Sr.	2.0
Emergency Services Manager, Assistant	1.0
Fire Communications Supervisor	1.0
Fire Equipment Technician	1.0
Fire Marshal, Non-Sworn*	1.0
Fire Prevention Bureau Inspector, Civilian	1.0
Fire Protection Engineer	1.0
Fireboat Attendant, PT	0.2
Fire Suppression District Inspector	2.0
Fire Suppression District Inspector, PT	1.0
Fire Inspector Supervisor	1.0
Total Vacant	13.2

* Interim Fire Marshal hired effective May 7, 2018

Management of Overtime Usage

OFD Policy and Procedure 400.9, Overtime Sworn Personnel provides guidance on overtime approval, tracking and accountability. As noted above, OFD sworn personnel utilize the TeleStaff system to track staff hours, including overtime. This system can generate reports and data showing overtime use. OFD has and will continue to work to ensure that overtime use is being used to fill a specific operational need. For the past eleven (11) years, the total of overtime hours worked has averaged two hundred and seventy-nine thousand seven hundred and sixty (279,760) hours. In FY 2014-15, overtime use reached a high of three hundred and forty-five thousand two hundred and eighty-three (345,283) hours and in FY 2017-18, the number of hours was reduced to two hundred and eighty-two thousand and five hundred and twenty-two (282,522) or a more than eighteen percent (18%) reduction in overtime hours. **When compared to FY 2016-17, in FY 2017-18 there was nearly a nine percent (9%) reduction in total overtime hours.** Sworn staff accounted for two hundred and sixty-four thousand eight hundred and twenty-three (264,823) hours, or roughly ninety-four percent (94%), of total overtime hours. Civilian staff accounted for seventeen thousand six hundred and ninety-nine (17,699) hours, or roughly six percent (6%), of total overtime hours. Please see **Chart 1** below for more information.

Chart 1. OFD Total Overtime Hours Worked (2006-2018)



Sources: Oracle 11i (2006-2017) and Oracle R12 (2017-2018)

OFD has also taken steps to further minimize overtime not related to backfill to maintain minimum staffing levels in fire suppression and fire dispatch center. On November 8, 2017 the Fire Chief issued a memorandum to Deputy Chiefs, and Division Managers, stating that overtime needs outside of fire suppression and fire dispatch center minimum staffing requirements be submitted at least forty-eight (48) hours in advance for review to identify an appropriate funding source, and must have Fire Chief approval.

OFD Sworn Relief Usage

Table 2. Fire Suppression Minimum Staffing

Rank	Daily Staffing	A, B, C Shift Staffing
Battalion Chief	3	9
Captain of Fire Department	13	39
Lieutenant of Fire Department	19	57
Engineer of Fire Department	24	72
Fire Investigator	1	3
Firefighter Paramedic	26	78
Firefighter	51	153
Total Minimum Staffing	137	411

Sworn members are assigned daily as follows:

- Three (3) Battalions staffed with one Battalion Chief each
- Twenty-four (24) Engine Companies each staffed with a minimum of one (1) Officer, (1) one Engineer, one (1) Firefighter Paramedic and one (1) Firefighter

- One (1) Aircraft Rescue Firefighter (ARFF) company staffed with a minimum of one Captain and five (5) Firefighters
- Seven Truck Companies staffed as follows:

Relief staff is utilized within the sworn ranks to cover minimum staffing requirements for coverage of regular day off (RDO). Additionally, relief staff is utilized to cover vacation, sick, disability leaves, and for unfilled vacancies. Relief (backfill) staff is paid at a rate that is one and a half (1.5) times the regular rate. California Labor Code Section 4850 permits sworn members to take up to a one (1) year leave of absence at full pay, and without a tax deduction, for persons temporarily or totally disabled due to an industrial injury.

Table 5 contains a summary of the number of hours of overtime worked by sworn rank for FY 2018-19, year to date. Please note that totals include overtime paid from all accounts, not just the General Purpose Fund (1010).

The rank of Firefighter required the greatest number of hours of overtime, followed by Engineer of Fire. The ranks which had the least number of hours of mandatory overtime were Fire Investigator and Battalion Chief.

Table 5. OFD Sworn Hours of Overtime Worked by Rank, FY 2018-19

Rank	Overtime Hours	Percent of Total
Battalion Chief	8,495.25	4.82%
Captain of Fire Department	21,553.00	12.24%
Lieutenant of Fire Department	35,839.75	20.35%
Engineer of Fire Department	37,061.50	21.04%
Fire Investigator	2,302.25	1.31%
Firefighter Paramedic	26,943.00	15.30%
Firefighter	43,939.66	24.95%
Total Hours	176,134.41	100.00%

* Source: TeleStaff as of 1-28-19

The Department averages twenty-five to thirty (25-30) members per month on 4850 leave, 1-2 members per month on long term non-industrial disability leave, or on light duty assignments. **Table 6** shows the sworn vacancies, hours of vacation, sick and disability leaves taken by sworn, line staff (persons on administrative assignments are not included in these totals) for FY 2018-19, year to date. In order to meet OFDs minimum staffing levels, these hours must be filled by members working overtime.

Table 6. OFD Sworn Hours of Vacation, Sick, Disability Leave, FY 2018-19

Leave Description	Hours
Vacation Hours Taken	52,814.00
Sick Hours Taken	36,981.67
Worker's Compensation Hours	23,302.50
Total Hours	113,098.17

* Source: TeleStaff as of 1-28-19

In FY 2017-18, the total number of leave hours for sworn line staff was two hundred and five thousand one hundred and thirty-two hours (205,132). When compared to the total number of overtime hours worked by sworn staff (264,958 hours), leave use accounts for approximately seventy-eight percent (78%) of overtime. The remaining overtime hours may be attributed to staff on mutual aid or Urban Search and Rescue deployments, upstaffing for special events such as Art and Soul, Warriors Parades, and increased staffing due to operational need such as Red Flag/High Fire Danger Warnings, and major incidents.

Overall Fire Department Overtime Usage

Staffing shortages due to unfilled vacancies are predictable and costs are covered by the budgeted vacancy. Staffing shortages due to sick leave, family medical leave under the Family Medical Leave Act (FMLA), industrial illness or injury, military leave and mutual aid are unpredictable and costs are unbudgeted.

In FY 2016-17, ninety-four percent (94%) of overtime authorized was authorized to meet the Local 55 and ARFF MOU staffing requirements.

Chart 2 shows a breakdown of OFD overtime usage by division for fiscal year, FY 2017-18, ending June 30, 2018. **Ninety-six percent (96%) of overtime authorized in FY 2017-18 was authorized to meet the Local 55 and ARFF MOU staffing requirements.**

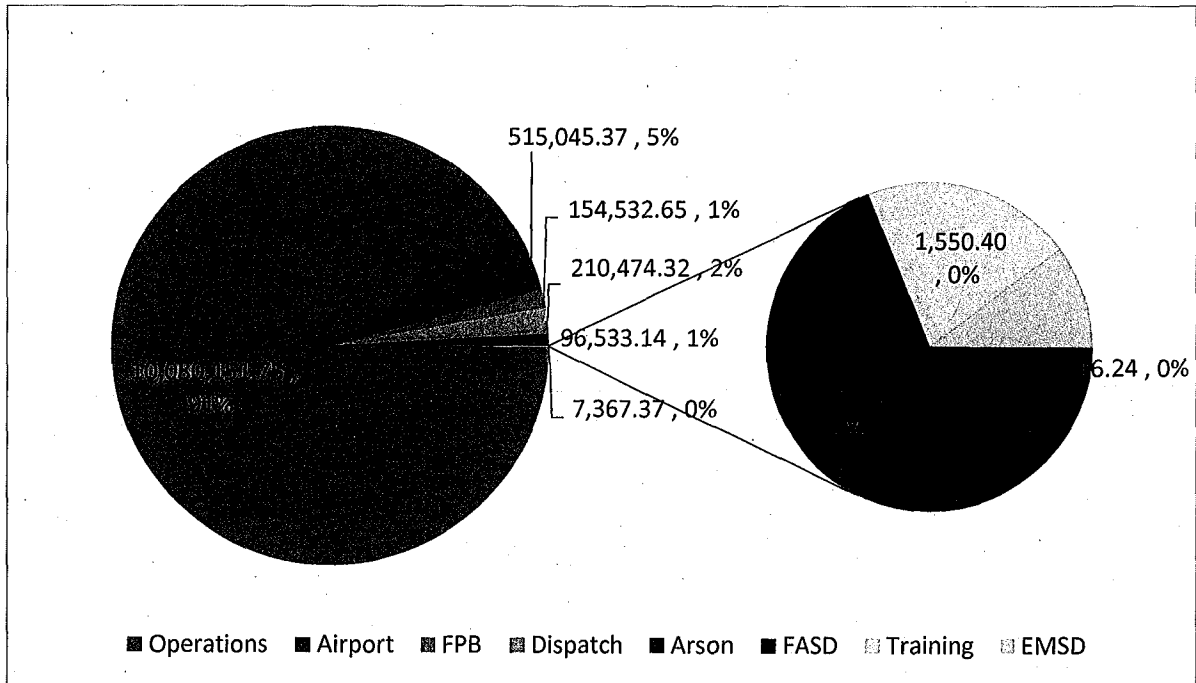
In order to ensure that minimum staffing is in place at every fire station and at the Fire Dispatch Center, voluntary and mandated backfill is utilized. For sworn suppression personnel, vacancies occur due to sick leave use, vacation leave, family medical leave use, industrial and non-industrial injury leaves and the scheduled regular day off (RDO).

At the Fire Dispatch Center, vacancies occur primarily in two (2) ranks (Fire Communications Dispatcher and Fire Communications Supervisor). Fire Dispatch Center personnel use sick leave, vacation leave, family medical leave, industrial and non-industrial leave, and compensatory time. All leave requires backfill to maintain minimum public safety service delivery to the community.

The majority of the overtime that is accumulated in the Fire Prevention Bureau are for expedited plan review or inspection services, costs which are recoverable to the City.

Chart 2. FY 18-19 Overtime Usage by Division as of Dec. 28, 2018

Operations	Airport	Dispatch	FPB	Arson	FASD	Training	EMSD	Total
10,080,152	515,045	210,474	154,533	96,533	5,071	1,550	746	11,064,104
91.11%	4.66%	1.90%	1.40%	0.87%	0.05%	0.01%	0.01%	100.00%



*Source: Oracle R12 as of 12-28-18

CONCLUSION

OFD will continue to work cooperatively to explore and implement measures to control expenditures and improve accountability.